

STANDING ORDER GOVERNING CIVIL MOTIONS FOR SUMMARY JUDGMENT

**SUSAN J. DLOTT
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

A. Motions for Summary Judgment

1. Movant's Statement of Proposed Undisputed Facts

There shall be attached to every opening brief in support of a motion for summary judgment a document entitled "Proposed Undisputed Facts," which sets forth in separately numbered paragraphs a concise statement of each material fact as to which the moving party contends there is no genuine issue to be tried. All material facts set forth in this statement will be deemed admitted unless controverted by the statement required to be filed and served by the opposing party in accordance with (A)(2) of this Standing Order.

2. Opponent's Response to Proposed Undisputed Facts and Statement of Disputed Issues of Material Fact

There shall be attached to every brief in opposition to a motion for summary judgment a document entitled "Response to Proposed Undisputed Facts," which states, in separately numbered paragraphs corresponding to the paragraphs contained in the moving party's statement of Proposed Undisputed Facts, whether each of the facts asserted by the moving party is admitted or denied. The Response to Proposed Undisputed Facts must also include, in a separate section entitled "Disputed Issues of Material Fact," a list of each issue of material fact as to which the opponent contends there is a genuine issue to be tried.

3. Citations

Each statement of material fact in a statement of Proposed Undisputed Facts or Response to Proposed Undisputed Facts, and each denial in a statement of Disputed Issues of Material Fact, must be followed by a specific citation or citations to (1) the affidavit of a witness competent to

testify as to the facts at trial, (2) a sworn deposition, and/or (3) other evidence, including documentary evidence, that would be admissible at trial. The affidavits, deposition testimony, responses to discovery requests, or other documents containing such evidence, unless already lodged with the Court, shall be filed and served with the statement of Proposed Undisputed Facts or Response in accordance with Federal Rule of Civil Procedure 56(e).

4. Form of Service

The statements referred to above shall be filed and served along with the motion, brief and certificate of service required by this Court's rules and Federal Rule of Civil Procedure 56.

5. Special Notice from Moving Parties to *Pro Se* Litigants

Any represented party moving for summary judgment against a party proceeding *pro se* shall file and serve, as a separate document, the form attached as Exhibit A to this Order. If the *pro se* party is not a plaintiff, or the case is to be tried to the Court rather than a jury, the movant may modify the notice as appropriate. The movant shall attach to the notice copies of this Standing Order and Federal Rule of Civil Procedure 56.

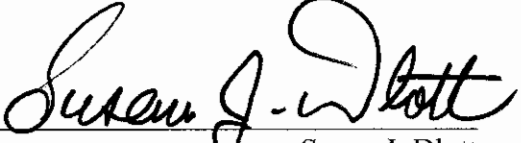
6. Striking and Refiling of Briefs

The Court may, at its discretion, strike briefs that do not conform to the requirements above. Once a brief is stricken, a party must re-file a conforming brief within 30 days in order to preserve the motion.

B. Effective Date

This Order applies to all summary judgment motions filed on or after March 1, 2006.

IT IS SO ORDERED.



Susan J. Dlott
United States District Judge

EXHIBIT A

Notice to *Pro Se* Litigant Opposing Motion for Summary Judgment as Required by Standing Order Governing Motions for Summary Judgment

The purpose of this notice, which is required by the Court, is to notify you that the defendant has filed a motion for summary judgment asking the Court to dismiss all or some of your claims without a trial. The defendant argues that there is no need for a trial with regard to these claims because no reasonable jury could return a verdict in your favor.

THE DEFENDANT'S MOTION MAY BE GRANTED AND YOUR CLAIMS MAY BE DISMISSED WITHOUT FURTHER NOTICE IF YOU DO NOT FILE PAPERS AS REQUIRED BY RULE 56 OF THE FEDERAL RULES OF CIVIL PROCEDURE AND THIS COURT'S STANDING ORDER GOVERNING MOTIONS FOR SUMMARY JUDGMENT. COPIES OF RULE 56 AND THE COURT'S STANDING ORDER ARE ATTACHED TO THIS NOTICE, AND YOU SHOULD REVIEW THEM VERY CAREFULLY.

The papers you file must show one or both of the following:

(A) That you disagree with the defendant's view of the law governing your case;

AND/OR

(B) That

- (1) You disagree with the defendant's version of the facts;
- (2) You have evidence contradicting the defendant's version; AND
- (3) The evidence you rely on, if believed by a jury, would be sufficient to support a verdict in your favor. To make this showing, you must file one or more affidavits disputing the defendant's version of the facts. An affidavit is a sworn statement by a witness that the facts contained in the affidavit are true to the best of the witness's knowledge and belief. To be considered by the Court, an

affidavit must be signed and sworn to in the presence of a notary public or other person authorized to administer oaths. In addition to affidavits, you may also file deposition transcripts, responses to discovery requests, and other evidence that supports your claims.

If you fail to submit evidence contradicting the defendant's version of the facts, your claims may be dismissed without further notice. It is therefore very important that you read the defendant's motion, memorandum of law, affidavits, and other evidentiary materials to see if you agree or disagree with the defendant's version of the relevant facts. It is also very important that you review the enclosed copy of Standing Order Governing Motions for Summary Judgment carefully. This Order provides detailed instructions concerning the papers you must file in opposition to the defendant's motion, including how you must respond to specific facts the defendant claims are undisputed, see (A)(2), and how you must support your claims with specific references to evidence, see (A)(3).

YOU MUST FILE YOUR RESPONSE PAPERS with the Clerk of the Court and serve a copy to defendant's counsel WITHIN 21 DAYS OF THE FILING OF DEFENDANT'S MOTION WITH THE CLERK OF COURT.

If you fail to follow these instructions, the defendant's motion may be granted.